

STATE OF MAINE

SUPREME JUDICIAL COURT
DOCKET NO. Bar-05-03

Board of Overseers of the Bar

vs.

Robert M.A. Nadeau, Esq.
of Wells, ME
Maine Bar No. 7460

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CONSOLIDATED ORDER

Before the Court are three matters concerning the professional conduct of Attorney Robert M.A. Nadeau pursuant to an information filed by the Board of Overseers of the Bar in accordance with M.Bar R. 7.2(b). The Board was represented by Nora Sosnoff, Deputy Bar Counsel; Attorney Nadeau was represented by Stephen B. Wade, Esq.

At issue in these consolidated cases is the professional conduct of Attorney Nadeau. The Grievance Commission docket numbers assigned by the Board of Overseers of the Bar are: GCF # 03-255; GCF # 03-335; and GCF # 04-314. Those matters are hereby consolidated under this Court's docket number BAR 05-03.

The facts stated below are established by agreement of the parties. The resolution of this matter is also based on agreement of the parties with approval of the Court.

GCF# 03-255

On June 20, 2003, Attorney Nadeau commenced a consensual sexual relationship with a divorce client. Attorney Nadeau's conduct when he terminated the attorney-client relationship and withdrew from representation of that client fell short of the standards established in the Code of Professional Responsibility. The conduct towards the client came to the attention of Bar Counsel and subsequently the Grievance Commission because the client complained after the relationship had ended. The testimony and other evidence about Attorney Nadeau's conduct in connection with this relationship impressed the Grievance Commission as being serious enough to warrant this Court's consideration of a sanction of possible suspension or disbarment. However, that same complainant and Attorney Nadeau have now reunited in their romantic relationship. The former client and complainant now denies that Attorney Nadeau acted unprofessionally concerning her or that she suffered any harm from his conduct. In recommending as disposition a dismissal with a warning, Bar Counsel has taken into account the complainant's reversal of position and the fact that Attorney Nadeau has no prior history of such conduct. Any

future misconduct of a similar nature would be closely scrutinized and this history would be considered as an aggravating factor.

Accordingly, it is hereby ORDERED that the proceeding in GCF # 03-255 is **dismissed with a warning** to Attorney Nadeau to refrain from such misconduct in the future.

GCF #03-335

During the months of June and July of 2003, Attorney Nadeau was involved in an acrimonious departure of two attorneys from his law firm. Civil cross claims arising from a dispute over ownership of accounts receivable owed to the firm as of the date of the attorneys' departure were filed in the Superior Court. In that Superior Court litigation, the opposing parties filed pleadings that contained information about Attorney Nadeau's sexual relationship with the former client that was subject to the complaint in GCF #03-255. Attorney Nadeau sought to have that record sealed. In his initial efforts, Attorney Nadeau sent two items of correspondence to his adversaries' counsel that he simultaneously faxed directly to the represented opposing parties. Attorney Nadeau's conduct violated M. Bar R. 3.6(f) that prohibits such direct contact with represented persons. After the disciplinary hearing, the Grievance Commission reprimanded Attorney Nadeau for that

misconduct. Attorney Nadeau has an appeal pending seeking to have that ruling vacated, but will be withdrawing that appeal.

GCF# 04-314

The third grievance complaint was commenced on a *sua sponte* basis by Bar Counsel. When the Grievance Commission conducted its preliminary review of that matter, it found probable cause to believe that misconduct had occurred and referred the matter to hearing before a different panel of the Grievance Commission; *see* M. Bar R. 7.1(d)(5). In light of the pending related disciplinary cases in this Court, and the proposed resolution contained herein, the Grievance Commission authorized the matter to proceed directly to Court.

As reflected in the facts found concerning GCF # 03-335 (above), Attorney Nadeau endeavored to have a Superior Court record sealed to prevent public disclosure of his affair with his former client (the subject of GCF # 03-255 - above). When the presiding Superior Court justice denied Attorney Nadeau's request to seal that court's record, Attorney Nadeau sent a letter to that justice stating that, in his own view, and the view of many others who were not identified, the justice had failed to adhere to established legal principles underlying the Rules of Civil Procedure. Attorney Nadeau spoke of "outright shock" concerning the justice's exercise of discretion in

his ruling. Attorney Nadeau referred to the justice's decision as "horrible" and causing Attorney Nadeau's wife and children to suffer. Attorney Nadeau claimed that the further suffering of his wife and his children was "not because of my affair which by that time was old news in my family wherein tremendous, positive healing had occurred, but because of what you chose to do to reopen and tremendously expose the wounds."

Attorney Nadeau's conduct was discourteous and degrading to the Superior Court tribunal in violation of M. Bar R. 3.7(e)(2)(vi).

In accordance with Bar Counsel's recommendation, and with agreement of Attorney Nadeau, on the basis of the conduct set forth in GCF# 03-335 and GCF#04-314 a **public reprimand** is imposed. All of these violations of the Maine Bar Rules are serious. Attorney Nadeau is ORDERED to conduct himself in the future so as to avoid further occasions of professional misconduct. By agreeing to this disposition, Attorney Nadeau acknowledges that he feels remorse for his actions. The Court cautions him to utilize that remorse to inform his judgment, and to choose his best judgment over his inclination to impulsivity in the future.

Dated: 03/02/06

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Donald G. Alexander
Associate Justice
Maine Supreme Judicial Court